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South San Francisco, CA 94080-4990

Date: August 21, 2002

**PLEASE DELIVER THE FOLLOWING FACSIMILE TO:**

Name: Examiner B. Bunner, Art Unit 1647  
Firm: United States Patent and Trademark Office  
Phone #:  
Fax #: 703 308 0294

From: Diane L. Marschang  
Genentech, Inc. Legal Dept.

Number of pages (including cover sheet): 4

**MESSAGE: OFFICIAL DOCUMENT**

US Patent Application Serial No. 09/479,252  
Filed January 7, 2000

Transmitted herewith are the following documents:  
Communication Re Non-Receipt of Office Action, Copy of Docketing  
Database Printout; Certificate of Facsimile Filing.

*Diane L. Marschang*  
Diane L. Marschang, Reg. No. 35,600

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Patent Docket P0978P3C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: 09/479,252 Filed: 7 January 2000 For: Apo-2 Ligand	Group Art Unit: 1647 Examiner: B. Bunner  <b>CERTIFICATE OF FACSIMILE FILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service via facsimile transmission and addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on  August 21, 2002 <i>Diane L. Marschang</i> Diane L. Marschang
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COMMUNICATION RE NON-RECEIPT OF OFFICE ACTION

Assistant Commissioner of Patents  
Washington, D.C. 20231

The undersigned attorney was contacted by Examiner Bridget Bunner to inquire if the instant application was abandoned for failure to file a response to an Office Action mailed by the Patent Office in November, 2001. The undersigned checked the patent docketing database in the Genentech Patent Department and found that the November, 2001 Office Action referred to by the Examiner was never received by the Patent Department at Genentech.

When Patent Office mail is received by the Patent Department at Genentech, the documents and relevant dates for response are recorded by docketing administrators and entered into a computer database which contains all docketing records for pending and abandoned patent applications filed by Genentech. Attached is a printout of the record for the instant application, and it shows that there is no entry for any Office Action mailed by the Patent Office in November, 2001. The undersigned hereby states that this record printout is a complete and accurate record for the documents concerning the instant application.

It is respectfully requested that the Patent Office re-mail the Office Action and re-set the date for the response to that Office Action. If any further information is needed by the Examiner, she is invited to

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contact the undersigned at the telephone number below.

Respectfully submitted,

GENENTECH, INC.

Date: August 21, 2002

By: *Diane L. Marschang*  
Diane L. Marschang  
Reg. No. 35,600  
Telephone No. (650) 225-5416

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Current Case

Diary Dates

Case No: 08570321 Application: 08/479252 Date: 08Sep2000 Case: DIA

Country: US Patent: 08570321 Label: DIA

Case Type: CN Origin: 08570321 Client: Genentech Inc

Status: PENDING Owner: Genentech Inc

ICPA Reportable: YES TMS: 08570321 Case Ref: 1328

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